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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
27 to 29 February and 3 to 5 and 7 March 2008

Consideration of the legal aspects of the reform of the United Nations

Proposal submitted by the Rio Group

1. Reform processes of international organizations generally involve or imply a review of its legal aspects in the interests of preserving the essence and structure of the constitutional or founding instrument, and of achieving results in keeping with international law. In line with that premise, and also considering the Organization's relevance in an evolving world, United Nations reforms, other than in exceptional cases, cannot be exempt from appropriate legal review that sheds light on their conformity with the Charter of the United Nations and the international rule of law. This is all the more true when there is a need to reveal or replace Charter provisions, or to set out one or more additional rules.

2. However, the United Nations has not established an organ or body of legal experts with adequate State representation (i.e., of a genuinely multilateral nature) to deal with legal aspects arising from the reform processes initiated within the institution, leaving this critical area exposed, which could lead to the convening of ad hoc legal committees in which States are not represented.

3. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which was entrusted by the General Assembly, inter alia, with the task of examining suggestions and proposals of States regarding the Charter of the United Nations and the strengthening of the Organization, including policies to enhance its ability to achieve its purposes,[1] could successfully perform the task of considering the legal aspects of the reforms already decided upon by the General Assembly, when specifically requested to do so, with a view to recommending adjustments to bring the Charter of the United Nations into line with these decisions.

[1] Resolution 3499 (XXX) of 15 December 1975, paragraph 1.

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4. The Special Committee, through General Assembly resolutions 61/38[2] and 62/69,[3] has expressed its readiness to consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of any decision of the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concerns the Charter and any amendments thereto.

5. On the basis of the foregoing, the General Assembly would assign the item entitled "Consideration of the legal aspects of the reform of the United Nations" to the Special Committee. Under this item, the Committee, at the specific request of that principal organ, would undertake the appropriate technical and legal review of such matters as:

(a) Amendments or additions to the Charter of the United Nations that may be necessary to implement the reform decisions adopted by the General Assembly;

(b) Amendments or additions of other Charter provisions that are required as a consequence of the reform decisions adopted by the General Assembly.

6. It is clear that the Special Committee would take action under the assigned item only when it was explicitly requested to review the legal aspects of a reform. In no case would the Special Committee submit reform proposals or projects on the basis of the item.

7. Pursuant to the respective review, the Special Committee would submit a report of a purely advisory nature to the General Assembly, which shall decide at its discretion how to proceed with respect to that document.

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[2] Resolution 61/38 of 4 December 2006, paragraph 4 (d).

[3] Resolution 62/69 of 6 December 2007, paragraph 3 (e).